

STATEMENT OF  
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SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY  
AND HUMAN RESOURCES  
COMMITTEE ON GOVERNMENT REFORM  
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Mr. Chairman, Mr. Cummings, and Members of the Subcommittee: I am Tracy A. Henke, Deputy Associate Attorney General and also Acting Assistant Attorney General for the Office of Justice Programs (OJP). I am pleased to be here today on behalf of the Department of Justice to talk about the President's Fiscal Year 2006 Drug Control budget and his larger budget request. I commend the Subcommittee for its attention to addressing drug abuse prevention, treatment and enforcement issues. Your deep concern over these issues is shared by this Administration, specifically by the Department of Justice.

The President's budget recognizes that the threat of illegal drugs and drug abuse is grave and affects not only the health and wellbeing of our communities and families, but even our national security, as drug trafficking is linked to the financing of certain terrorist groups (e.g., FARC). The Department of Justice's overall portion of the President's budget includes over \$1.5 billion in grant assistance to state and local governments, including \$185.3 million to strengthen communities through programs providing services such as drug treatment; \$90.3 million to fight terrorism; \$335 million to combat violence; \$235.2 million for law enforcement technology; and \$92.5 million to

support drug enforcement.

Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, OJP and its predecessor agencies have effectively provided federal leadership in developing the nation's capacity to prevent and control crime, improve the criminal and juvenile justice systems, increase knowledge about crime and related issues, and assist crime victims. From its inception, OJP has devoted substantial resources and programming to support state and local efforts to break the cycle of drug abuse and crime. We view our core mission to be that of promoting and supporting federal, state and local cooperation to address these vital issues.

OJP's and the Office of Community Oriented Policing Services' (COPS) support for state and local law enforcement generally takes three forms: direct grant funding for state and local projects; training and technical assistance to help state and local jurisdictions build their crime fighting capacity and leverage resources; and development of cross-jurisdictional resources.

#### Grant Activities to Control Substance Abuse

The budget request includes investments in three programs that are well known to this Subcommittee: the Drug Court Discretionary Grant Program, the Residential Substance Abuse Treatment (RSAT) Program, and the COPS Methamphetamine Program.

We have requested a \$30.6 million increase for the Drug Court program, for a total of \$70.1 million. The Drug Court Discretionary Grant Program provides financial and technical assistance to states, state courts, local courts, units of local government, and

Indian tribal governments to plan, implement, and enhance their drug courts. Drug courts use the coercive power of the court to effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services for non-violent, substance-abusing offenders. As you may be aware, drug courts started at the grassroots level in Florida, well before federal funding became available, and have grown to over 1,100 operating drug courts across the country today, with hundreds more in the planning stage.

Under the direction of OJP's Bureau of Justice Assistance (BJA), we are currently accepting grant applications for funding implementation and enhancements of adult drug courts and statewide enhancement efforts. In Fiscal Year 2005, BJA expects to train over 200 community teams from across the nation in the fundamentals and philosophy of drug court operation. This response to our Drug Court Planning Initiative indicates the high degree of interest in implementing all types of drug courts B adult, juvenile, family, and tribal. In addition to this initiative, BJA provides state-of-the-art training and technical assistance on a variety of subjects to operational drug courts and state agencies.

The FY 2006 Drug Courts funding increase will allow us to increase the number of funded drug courts, expand our training and technical assistance capability, and is expected to result in a two percent improvement in the drug court graduation rate, as compared to FY 2005 estimates.

Knowing of your interest in the issue of methamphetamine abuse and addiction, I would like to point out that many local drug courts have been quite effective in dealing with persons with meth addictions. BJA-funded drug courts have been using the drug

court model to address addiction in some of the most methamphetamine-impacted areas for nearly a decade. Further information on these particular programs was provided to the Subcommittee as a follow-up to your November 18, 2004 hearing on “Law Enforcement and the Fight Against Methamphetamine.”

The Residential Substance Abuse Treatment Program (RSAT) is a critical aspect of offender re-entry programs, helping ensure that offenders come back to their communities substance-free, and equipped with skills that can help them remain clean and straight once they’re home. All 50 states, the territories, and the District of Columbia receive RSAT grants, and operate about 400 RSAT programs. We have requested \$44.1 million for RSAT in FY 2006, an increase of \$19.5 million above the FY 2005 enacted level. These funds would allow us to strengthen the RSAT program through the development of treatment models that properly match staff training with the appropriate type of treatment for specific offenders. We would also work to ensure that corrections and prison administrators are committed to adhering to treatment goals and minimizing disruptions in offenders’ treatment programs. In addition, the funds would allow RSAT programs to provide coordinated aftercare and transitional services.

The investment in RSAT pays off in several ways. It not only allows offenders to return to their communities substance-free, but it also reduces incarceration costs for federal, state, and local governments, and helps prevent further financial and emotional costs of drug-related crimes on families, friends, and communities.

We are in the midst of concerted efforts to solidify performance measures for both the Drug Courts and the RSAT programs. For Drug Courts, OJP developed new measures that will address the number of clients who are re-arrested while in the program

and the number of clients who graduate. Data are expected to be available at the end of FY 2005. For an even broader view, the National Institute of Justice is funding a multi-year, longitudinal study of drug court graduates to assess whether the program effectively prevents or reduces recidivism. For RSAT, OJP now requires grantees to collect data for new measures addressing treatment costs related to residential and aftercare programs, recidivism, and reduction in substance abuse.

The COPS Methamphetamine Program has provided a unique mix of direct funding, training, and technical assistance across the wide range of law enforcement activities. Since 1998, COPS has invested more than \$330 million nationwide to combat the spread of methamphetamine, and has developed a problem-solving guide to help law enforcement develop proactive prevention strategies and to improve the overall response to clandestine drug labs. The \$20 million requested for FY 2006 is intended to support state and local clandestine lab clean-up efforts.

#### Additional Programs to Combat Illegal Drug Use and Drug Abuse

In addition to the programs I have highlighted, the President's FY 2006 budget request includes other programs that relate to our nation's capacity to combat illegal drug use and drug abuse. We are asking for an increase of \$18.8 million, for a total of \$48.4 million, for the Southwest Border Prosecution program, which provides funding for local prosecutors' offices in the four states along the Southwest Border (California, New Mexico, Arizona, and Texas) for the costs incurred in processing, detaining, and prosecuting drug cases and other cases referred from federal arrests or federal investigations. Drug cases constitute about 30 percent of the cases referred by federal

authorities. We are also requesting \$19.1 million for the Cannabis Eradication Discretionary Grant Program (formerly Domestic Cannabis Eradication and Suppression Program B DCE/SP), and recommending that the program be moved from the Drug Enforcement Administration to OJP.

The budget request includes \$5 million for continuation of the Prescription Drug Monitoring Program, which helps states, local, and tribal governments prevent and detect the diversion and abuse of pharmaceutical controlled substances. At the conclusion of FY 2004, 18 states had implemented monitoring programs as a result of this initiative, three are expected to implement programs soon, and one state is implementing a pilot program. Forty-two jurisdictions received technical assistance that would help in establishing programs.

We anticipate changes in two areas of interest to the Subcommittee: the Felony Arrestee Drug Use Reporting Program (formerly ADAM B the Arrestee Drug Abuse Monitoring Program), and tribal substance abuse initiatives. The budget request proposes funding of \$6.5 million for the Felony Arrestee Drug Use Reporting Program, which is being reconfigured and expanded to include a wide sampling of offenders that should provide a clearer picture of offender drug use nationwide.

In FY 2006, \$51.6 million is requested for a consolidated COPS/OJP Tribal Law Enforcement grant program that will operate as a competitive grant program and provide flexibility to tribal communities to address their unique law enforcement needs. There is a particular need to address the high level of alcohol and substance abuse among Native Americans, which creates both significant law enforcement and health problems in tribal communities. This grant program will be jointly administered with OJP.

## Training and Technical Assistance to Prevent Substance Abuse and Investigate Drug Trafficking

As important as direct program funding may be, we believe that through the training and technical assistance we provide, as well as the insightful research and statistical information to inform criminal and juvenile justice practitioners and policy makers, the Department has an even greater impact on making America's communities safer for our citizens.

For example, through the Title V Prevention Program, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides training and technical assistance through the Underage Drinking Enforcement Training Center (Center). Throughout its 30-year history, and over the past decade especially, OJJDP has made a significant investment in developing, demonstrating, and evaluating social and law enforcement strategies to reduce underage drinking. The program models and lessons learned from these years of investment are made available to state and local governments at little or no cost through the Center. OJJDP's continuing support of this key training and technical assistance operation allows local law enforcement, using existing local resources, to adopt proven enforcement strategies that are both socially effective and cost effective. Since 2000, the Center has conducted training in underage drinking enforcement operations, development of effective underage drinking prevention policies, strategic use of media, and youth leadership development. These training programs have engaged approximately 36,000 individuals in 49 states and the District of Columbia, with training for the remaining state, Montana, scheduled for May 2005. The Center has served over

16,000 people through its monthly audio teleconferences, over 3,000 annually through its toll-free technical assistance hotline, and over one million contacts in 2004 through its Web site. This training is important to the overall drug abuse prevention effort because alcohol is the highest drug of abuse among adolescents and is also linked as a "gateway" to other substance abuse.

Training and technical assistance are the key to a huge multiplier effect in expanding knowledge and practical operating capability to the field. They can also be the key to helping states and localities leverage, or even save, limited training dollars.

As you know from OJP's Bureau of Justice Assistance's Director Herraiz's November testimony before the Subcommittee, BJA supports the Center for Task Force Training (CenTF). BJA developed and implemented the CenTF Program to increase the effectiveness of multi-jurisdictional narcotics task force management and enforcement efforts throughout the nation. The program's objectives are to develop and refine curricula, deliver training, produce multimedia resources, and develop and maintain an informational Web site and Web-based resource center. CenTF provides training to law enforcement on drug task force management, investigation, and rave/club drug response. CenTF courses B Narcotics Task Force Management and Methamphetamine Task Force Management B address basic investigative techniques and task force management issues such as personnel selection, handling confidential informants, and raid planning. The methamphetamine course also provides information specific to the chemicals required to manufacture meth, exposure risks, and suggestions on handling meth lab seizures. In 2004, more than 1,300 methamphetamine task force commanders received this training, bringing the total number of task force commanders trained to 4,183.



In response to law enforcement demand, OJP's BJA has more than tripled the number of methamphetamine training courses offered nationwide B for a total of up to 12 courses B which will be offered in addition to three narcotics training courses. We are offering the methamphetamine training free of charge to all 50 states, the territories, and the District of Columbia through a regional approach. Through CenTF, BJA is partnering with the state agency designated by the governor to administer the Justice Assistance Grant (JAG) funds, known as the State Administering Agency (SAA). By involving the SAA upfront, we are ensuring that the training reaches the areas, agencies, and officers that are in greatest need. An SAA in each of BJA's five administrative regions will be chosen to host the training course for that region, with the first to be held in Virginia.

We have received many reports of the effectiveness of CenTF, with these two being among the most recent success stories: the St. Tammany Parish (Louisiana) Sheriff's Office credited the BJA Methamphetamine Investigation Management Workshop for helping make the largest methamphetamine "bust" in the history of southeastern Louisiana; and a Coraopolis (Pennsylvania) police officer encountered a meth lab just two weeks after he had attended the course and was able to utilize the skills he learned in the workshop to recognize the lab, shut it down, and make three arrests.

#### Cross-Jurisdictional Efforts to Prevent Substance Abuse and Investigate Drug Trafficking

In addition to direct funding and training and technical assistance, OJP supports state and local law enforcement through cross-jurisdictional efforts that can best be accomplished through federal capabilities. For example, the Regional Information

Sharing System (RISS) is made up of six regional intelligence centers that serve member state and local agencies in their respective geographic areas. The RISS centers facilitate and encourage information sharing and support to more than 6,000 city, county, state, tribal, and federal member agencies. RISS provides secure communications capabilities and other support, such as investigative analysis products, specialized surveillance equipment loans, and confidential funds for undercover operations. RISS operates and maintains the only secure, nationwide information sharing system, known as RISSNet, available to state, federal, and tribal law enforcement agencies, which is controlled by its member agencies. Officers accessing the RISSNet secure communications network can also access a number of High Intensity Drug Trafficking Areas (HIDTAs), a national gang intelligence data base (RISSGang), the National Drug Intelligence Center, as many as 23 state justice systems, and the National Virtual Pointer Index System, which is an all crimes deconfliction system. RISS' s ATIX (Automated Trusted Information Exchange) allows non-traditional groups of users, such as medical facilities, limited access to the RISS Network in order to improve interagency communications, information sharing, and dissemination of threat information.

In 2003, the RISS Program made over 4,700 loans of specialized equipment, such as surveillance devices. This type of assistance is critical, especially to smaller jurisdictions with limited financial resources. Member agency investigations supported by RISS Center services in 2003 resulted in over 4,600 arrests, seizure of \$67 million in narcotics, \$13 million in property, and \$4 million in seized or recovered currency,

The President' s budget calls for an increase of \$5.6 million for RISS, for a total of \$45 million in funding. The money will be used to provide increased intelligence and

forensic services for state and local law enforcement.

OJP's Community Capacity Development Office administers Operation Weed and Seed (Weed and Seed), which is a cross-jurisdictional strategy that aims to prevent, control and reduce violent crime, drug abuse and gang activity in designated high-crime neighborhoods across the country. Weed and Seed sites range in size from several neighborhood blocks to a few square miles.

The strategy involves a two-pronged approach: law enforcement agencies and prosecutors cooperate in "weeding out" violent crime and drug abuse; and "seeding" by bringing human services to the area to facilitate prevention, intervention, treatment and neighborhood revitalization. A community oriented policing component bridges the weeding strategies. The President's 2006 Budget seeks \$59.5 million for the initiative.

Weed and Seed's approach of coordination and collaboration across disciplinary and jurisdictional lines enables communities to craft local strategies to prevent substance abuse. For example in the 26<sup>th</sup> Police District of Philadelphia, Weed and Seed assistance is allowing C.A.D.E. (Corporate Alliance for Drug Education) and Shalom Inc. to continue to provide drug prevention and substance abuse workshops for youth in area schools and in the Safe Havens. C.A.D.E. and Shalom Inc. are providing these services in six public and parochial schools in the Weed and Seed target area. Between the two agencies, over 3,500 youth are participating in the workshops.

It is also important to note that OJP and COPS support our state and local law enforcement partners efforts to combat the manufacturing, trafficking, and use of methamphetamine through a number of the programs highlighted in this testimony. Specifically, we intend to ensure that drug court initiatives include programs targeted to

methamphetamine abuse; we will continue to provide training to methamphetamine task force commanders; we will support methamphetamine enforcement and clean-up efforts; and we will support RISS in providing secure communication capabilities, funding, and equipment loans for undercover operations.

Overall, while the budget request reflects reductions and elimination of some grant programs that provide direct funding to state and local agencies, we believe the investments we are proposing represent a continued commitment to the success of state and local programming, while mindful of our dual goals of public safety and economic prosperity. In testimony last week before the House Appropriations Subcommittee on Science, State, Justice, Commerce and Related Agencies, Attorney General Gonzales articulated the Department's objectives, saying:

"In his February 2<sup>nd</sup> State of the Union Address, the President underscored the need to restrain spending in order to sustain our economic prosperity. As part of this restraint, it is important that total discretionary and non-security spending be held to levels proposed in the FY 2006 Budget. The budget savings and reforms in the Budget are important components of achieving the President's goal of cutting the budget deficit in half by 2009 and '[T]he Department wants to work with the Congress to achieve these savings'.

As part of our efforts to improve management and stewardship, the Department continues to evaluate its programs and operations with the goals of achieving component-specific and departmental economies of scale, increased efficiencies, and cost savings/offsets to permit us to fund initiatives that are of higher priority."

In closing, I want to emphasize the continued commitment of the Administration, specifically the Department of Justice, to our state and local partners to complement their efforts to eliminate the scourge of illegal drugs and drug abuse. As an indication of this commitment, last year OJP employees were asked for suggestions for an OJP tagline that would capture the essence of what OJP is about. The winning entry was the line that now

appears on the OJP Web site: "Partnerships for Safer Communities." I can assure you that the Department of Justice and its employees are dedicated partners with state, local, tribal, and community agencies in this shared goal of making America safe for all our citizens.

Thank you again for this opportunity, and I would be pleased to answer your questions.